

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Martin E. Gillen,

Case No. 2:23-cv-01130-GMN-EJY

Plaintiff,

**ORDER**

v.

Calvin Johnson, *et al.*,

Defendants.

On August 2, 2023, the Court issued an Order instructing Plaintiff to either pay the \$402 filing fee for a civil action or file a complete application to proceed *in forma pauperis* (“IFP”) for inmate. The Court further ordered Plaintiff’s Complaint to be retained but not filed. ECF No. 3. On August 25, 2023, Plaintiff filed an IFP application for a non-prisoner together with attachments consisting of a sworn declaration and an Inmate Request Form purporting to show he submitted a third request for his financial documents to the prison law library. ECF No. 4. Plaintiff’s submission included a response from the librarian stating it takes up to four months for inmate banking in Carson City to provide the requested documents. *Id.* Because Plaintiff is an inmate in the custody of High Desert State Prison, he must submit the proper IFP application for inmates and the required financial attachments, which is required under 28 U.S.C. § 1915(a)(2) and U.S. District Court for the District of Nevada Local Rule LSR 1-2. Thus, Plaintiff may not proceed with *in forma pauperis* status and his Complaint is not screened.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 4) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **November 16, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 IT IS FURTHER ORDERED that failure to comply with this Order on or before **November**  
2 **16, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal  
3 without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he  
4 is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay  
5 the required filing fee.

6 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),  
7 but will not file it at this time.

8 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved  
9 form application to proceed *in forma pauperis* for inmate along with the information and instructions  
10 for filing the same.

11 DATED this 14th day of September, 2023.

12   
13 ELAYNA J. YOUCHAH  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28